IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

*** * ***

WRIT PETITION NO : 25268 of 2004

Between:

Gutta Venkateswara Rao, S/o. Krishna Murthy,
R/o. Krishna District.

..... PETITIONER

A N D

1 The District Level Committee, rep. by its Chairman, Krishna District.
2 The District Collector, Krishna, Machilipatnam.
3 The District Panchayat Officer, Krishna District.
4 The Sub-Collector, Vijayawada, Krishna District.
5 The Mandal Revenue Officer, Jaggaipet Mandal, Krishna District.
6 The Circle Inspector, Jaggaiahpeta P.S., Krishna District.
7 The Station House Officer, Chillakallu, Krishna District.

..... RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an order or writ on in the nature of writ of mandamus declaring the action of the respondents in interfering with the and quarrying operations in Vedadri reach, Jaggaiahptya Mandal, Krishna District by the petitioner manuallay and the trasportation of the sand by loading sand from the boats to the vehicle by using manually operated crabnt by 3 HP Oil Engine Pully with workers as arbitrary, illegal unjust and unconstitutional..

Counsel for the Petitioner: SMT. N. SHOBA

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

THE HONOURABLE SRI JUSTICE

N.V.RAMANA

WRIT PETITION NO.25268 OF 2004

O R D E R :

Heard both sides and with their consent, the writ petition is disposed of at the stage of admission.

The facts in brief are that the petitioner is a lessee in respect of Vedadri Sand Reach of Jaggaiahpet Mandal and as per the lease agreement dated 28.8.2004 he is entitled to quarry the sand for a period of one year up to 8.9.2005. The petitioner states that for lifting of sand by means of boats he has to go into the river 12 feet depth and from the boats the sand is brought to the bank by using a country made crane operated manually with the help of 12 persons. It is stated that the Joint Collector in proceedings No.3909/2003, Pts-7, dated 16.9.2004 permitted the petitioner to use the said manual crane for lifting of the sand.

While so, on the basis of a complaint, the Sub-Collector, Vijayawada and District

Panchayat Officer, Krishna District, Mandal Revenue Officer, Jaggaiahpet inspected the quarry of the petitioner and submitted report to the District Collector, Krishna, who in turn passed orders dated 11.10.2004 prohibiting usage of Labour Displacing Machinery, i.e., Diesel Power Cranes by the petitioner and directed for seizure of the same.

It is further submitted that assailing the said prohibitory order of the District Collector, petitioner filed a Writ Petition No.19468 of 2004 wherein this Court by an order dated 8.12.2004 directed the District Collector, Krishna to consider the explanation of the petitioner dated 11.10.2004 and pass appropriate orders afresh in accordance with law. The grievance of the petitioner is in spite of the direction from this Court, the District Collector has not passed any order considering his explanation and his sand quarry operations are stopped from 11.10.2004. Questioning the said inaction on the part of the second respondent-District Collector, Krishna, the present writ petition is filed.

Admittedly, this Court in W.P. No.19468 of 2004 by order dated 8.12.2004 directed the second respondent-District Collector to consider the explanation dated 11.10.2004 of the petitioner herein and pass appropriate orders afresh, within three days from the date of receipt of a copy of the said order. Pursuant to the said order, the petitioner states that he had submitted another representation on 13.10.2004, but no orders on the explanation has been passed till date.

Inasmuch as there is already a direction by this Court in W.P. No.19468 of 2004, dated 8.12.2004, to consider and pass appropriate orders on the explanation submitted by the petitioner on 11.10.2004, and inasmuch as it is contended by the petitioner that pursuant to the orders in the said writ petition, he had also submitted representation to the respondents on 13.12.2004, I deem it appropriate to dispose of the writ petition directing the second respondent-District Collector, Krishna district to consider and pass appropriate orders on the explanation dated 13.10.2004 and the representation dated 13.12.2004, keeping in view of the judgment of this Court in W.P.No.19468, dated 8.12.2004, expeditiously, preferably within a period of one week from today.

With the above directions, the writ petition is disposed of. No order as to costs.

31-12-2004. ----------

mdaa N .V. RAMANA , J.

.

copy to:

1 The District Level Committee, rep. by its Chairman, Krishna District.
2 The District Collector, Krishna, Machilipatnam.
3 The District Panchayat Officer, Krishna District.
4 The Sub-Collector, Vijayawada, Krishna District.
5 The Mandal Revenue Officer, Jaggaipet Mandal, Krishna District.
6 The Circle Inspector, Jaggaiahpeta P.S., Krishna District.

7 The Station House Officer, Chillakallu, Krishna District.

8. Two C.Cs to G.P.for Panchayat Raj and Rural Development,

High Court of A.P., High Court Buildings, Hyderabad (OUT).

9. Two C.D.copies.